

Dutch 8
U.E.L.

Sentence

In the name of the Queen!

Not used

The Temporary Court-martial in BATAVIA in the case of the
Prosecutor, ratione officii, against:

ISHIKAWA HIROYUKI,
aged 33, born in Hiroshima-Ken, Hiroshima-shi,
Furuta-machi, Japan (13-4-1914), sergeant
(reserve) in the Japanese army, now detained
in "TJIPINANG" prison, Meester Cornelis.

In view of the order dated 5th. April 1948 issued by the Prosecutor submitting the case for trial by the Temporary Court-martial, in which order the accused is charged:

that he, in BANJOE-BIROE, at anyrate in the Netherlands East Indies, in or about April 1945 therefore in time of war, as a subject of the enemy power Japan, in his function as assistant Commandant of the civilian internment Camp (women's camp), BANJOE-BIROE, No. 11, committed war crimes by, in the said camp, contrary to the laws and customs of war, intentionally ill-treating and causing to be ill-treated in a way far exceeding the normal exercise of discipline the women JOYCE van der WOLK and STANS BRINK, interned in the said camp, he having first struck the said girls a number of times with a riding whip on among other things the face and then made them kneel on the gravel in front/behind their back and a piece of bamboo placed in the hollow behind their knees, and made them remain in this attitude, exposed to the rain, wind and cold, from about 8 p.m. till about 9 a.m. the following morning, which bad treatment caused the bodily and mental suffering of the victims: which acts are provided for and made punishable by art. 4 and following of the War Crimes Penal Law Decree, Statute Book 1946 no. 45;

In view of the summons and writ of 9th April 1948 whereby the accused is called upon to appear at 8.30 am on Monday, 19th April 1948, at the sitting of the Temporary Court-martial in BATAVIA, holding its session in the building of the Supreme Court of the Netherlands East Indies, no. 1 Waterlooplein;

In view of the demand by the Prosecutor, read out and then handed to the Court-martial, to the effect that the aforesaid Temporary Court-martial shall declare the accused guilty of the war crime: "Bad treatment of interned civilians" and on that account sentence him to five years' imprisonment;

In view of the documents of the case, in so far as use was made of them and they shown to and seen by the accused;

In view of that which was put forward in his defence by the accused and his counsel;

Considering that at the sitting the accused has declared in substance:

I admit that at the time and place mentioned in the charge I carried out the function of assistant-commandant of Civilian Internment Camp no. 11 in BANJOE-BIROE and was then guilty of ill-treatment of the interned girls, JOYCE van der WOLK and STANS BRINK, but this was not as serious as specified in the charge.

They having infringed the greeting order and struck a sentry on duty I gave them two or three blows on the shoulder with a 50cm. long dog-whip, then had their hands, tied behind their back with a bit of cord and placed them in a kneeling position in front of the guard-room. This took place at about 7 p.m. Towards 10 o'clock that same evening before going to sleep I ordered a Heiho (an Indonesian volunteer) to wake me at mid-night because I intended to release the girls then. The Heiho did not follow my orders however, with the result that I slept on until next morning and so the

-girls-

of the guard- room, their hands bound

girls being punished remained out of doors all night. I released them at once and had coffee and bread given to them.

I deny having had a bamboo stick put in the hollow behind the girls' knees.

I punished them in order to avoid the matter being taken before higher authorities, for the girls would then certainly have been punished by a lengthy period in the cells for what they had done.

Considering that at the sitting the accused was then shown the statements made during the general investigation by the following witnesses, who confirmed their statements on oath and in substance have declared:

1st. witness - Mrs. H.J.W. RUYTER née CASSE (dated 18th December 1947 no. 21464/R):

"After being beaten the girls had their hands tied behind their back with a thick bit of cord and they were made to kneel down outside the guard hut in front of the guard. This lasted from about 7 p.m. till 9 o'clock the following morning. It rained that night and the girls were wet through, their hands were swollen and blue, their knees also, so that they could not feel their legs any longer and had to walk between Mrs Prins and me.

ISHIKAWA himself beat the girls".

2nd. witness - Miss J. van der WOLK (dated 16th. December 1947 no. 22274/R).

"The Jap accompanied us with a dog-whip he had taken from the wall. He gave STANS and me in turns a few cuts on the face with it. STANS and I then had to kneel down on the gravel right in front of the guard and a Heiho (the same one who had beaten us in the morning) put a long bamboo in the hollow behind STANS' and my knees, while the Heiho tied our hands at the wrist with a cord behind our back. All this was done by the Jap's instructions. We had to remain in this attitude till about 9 o'clock next day. He often used to hit people with his hand and was gruff and surly."

3rd. witness - Mrs. M. van ROSSUM DUCKKATTEL née RUITENBERG (dated 17th. January 1948 no. 22277/R)

"Towards evening, or perhaps earlier that day, I went to the guard to see what was true of the story. I saw both girls kneeling on the ground 5 metres away with their hands tied on their back and a bamboo in the hollow behind the knees. As a result of this I went at about 10 o'clock that evening with a lady whose name I don't remember but who was the head of Jo's block, to the Japanese Commandant's office and I asked him if he would forgive the girls who were being punished. The Jap was ISHIKAWA.

Next morning at 7 o'clock I saw them still kneeling. I think they were already lying on one side with their arms bound behind their back. I do not remember whether the bamboo was still behind their knees.

ISHIKAWA never hit people and treated us fairly reasonably. At least he never acted in a bullying and cruel way and himself always set an example in the work."

Considering that the Court, in spite of the accused's denial of being guilty of the ill-treatment of JOYCE van der WOLK and STANS BRINK to the extent with which he is charged, considers it legally and convincingly proved by the indications contained in the witnesses' statements, taken in connection one with the other, that the accused at the time and place as specified in the indictment fulfilled the function of assistant-commandant in the Civilian Internment Camp no. 11 in BANJOEBIROE, and as a subject of the enemy power Japan was guilty of the acts with which he is charged;

-considering-

Considering that these fully proved acts constitute the war crime to be qualified further on, provided for and made punishable by art. 1 of the Definition of War Crimes Decree (Statute Book 1946 no. 44) in conjunction with art. 4 of the War Crimes Penal Law Decree (Statute Book 1946 no. 45), wherefore the accused must be declared guilty thereof and sentenced on that account:

Considering that the war crime committed by the accused is in its nature serious, but that opposed to it can be set the fact that it has not appeared that during his term of office in Camp no. 11 in BANDJOEBIROE the accused carried out, or caused to be carried out, any other ill-treatment and that according to witness Mrs. M. van ROSSUM DUCKATTEL née RUITENBURG, he treated the internees in a fairly humane way:

Considering that the Court-martial, taking into account the afore said facts and circumstances and the circumstance that, according to the Prosecutor, the accused has already been in custody since 22nd February 1946, judges a sentence of three years' imprisonment to be correctly proportioned to the gravity of the crime committed by the accused and his guilt thereof, and considers the demand of 5 years made by the Prosecutor to be too heavy;

In view of the provisions of law quoted above and of Statute Book 1946 no. 74;

Administering the Law:

Declares the accused named at the head of this,

ISHIKAWA HIROYUKI,
guilty of the war crime with which he has been charged:

"Bad treatment of interned civilians."

Sentences him on that account to THREE YEARS' imprisonment

Sentence passed on 19th April 1948 by

Col. Dr. J.H. PETER	President
1st. Lieut. R. ROOSEGAARDE-)	Members
BISSCHOP)	
1st. Lieut. J.A. SCHWANTJE)	

in the presence of

A.V. de LEAU, Warrant officer 1st. class, Secretary,
summed up and decreed 22nd April 1948.

Noted by me:

The Secretary,
S/ A.V. de LEAU

The President,
S/ J.H. PETER
Members,
S/R. ROOSEGAARDE-BISSCHOP
S/J.A. SCHWANTJE.

Fiat of execution of the above sentence granted this day, 7th May 1948, by me Dr. M.A.F. ZWAGER, Resident, Head of the Temporary Administration, BATAVIA.

The Resident, Head of the Temporary Administration, BATAVIA,
S/A. ZWAGER.

Pronounced at the sitting of the Temporary Court-martial on 11th May 1948 by Lt. Col. Dr. J. la RIVIÈRE, president, Major Dr. L.F. de GROOT, 1st. Heut. Dr. A. UYT den BOGAARD, members, the president, Col. Dr. J.H. PETER and members, R. ROOSLEGAARDE BISSCHOP and J.A. SCHWANTJE being prevented by other official duties from being present, in the presence of 1st. Lieut. Dr. W. GEURTS, secretary, Dr. J. DIEPHUIS, prosecutor, the accused and his counsel.

Noted by me:

The Secretary,
S/ W. GEURTS.

The President,
S/ J. La Rivière.